

(17)

TO
The Supream Authority
OF THIS
NATION,
THE
PARLIAMENT
OF THE
Common - Wealth of ENGLAND.

THE

Humble Representation and Address of the Prisoners of *Law-Gate*, in the behalfe of themselves and others imprison'd for debt throughout the Nation.

DECLARING

How repugnant it is both to the Lawes of God, and to the ancient Fundamentall Lawes of this Nation, that Mens Bodies should be imprison'd for debt, and how contrary our Statute Lawes of latter times are to *Magna Charta*, and the old Common-Law of England.

TOGETHER

With some brief observations of the customes of the ancient Romans, Greeks, &c. as also the present practice and proceedings of our neighbour Nations, as *Italy*, *Spain*, *Holland*, and the vast difference there is between them and us, in the case of imprisonment.

Revel. 18. 10. Behold the Devil shall cast some of you into Prison.
Isaiah 42. 6, 7. The Lord hath called thee in righteousness, and will hold thy hand and will keep thee.
To bring out the Prisoners from prison, and them that sit in darkness out of the Prison-House.

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Maiden-head-Alley, near New-Gate, 1660.

THE LAW OF THE LAND

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The humble

REPRESENTATION

And

Adresse of the Prisoners of Ludgate
In the behalfe of Themselves, and all
other Prisoners for Debt through-
out the Nation.

Most noble Senators,



What the Orator long since said of
the Senate of Rome, *quamdiu Tull. Offic.*
imperium populi Romani benefi- Lib. 2. 1.
cijs non injurijs tenebatur, while
the Empire of the People of Rome
was upheld by worthy ARS not in-
juries, one of which he observes
was very profitable to their Common-wealth, *re-*
dimere & servitute captos locupletari tenuiores, to have
Prisoners

Prisoners redeemed out of Captivity, and the poor enriched, while these things were done amongst them, Regum, popularum, nationum parum erat et refugium senatus, The Senate was the haven and refuge of Kings, of peoples, of Nations, nay more it might (sayes he) have been called, patrociniū ubi terrę verum quam imperium poterat nominari, more truly the Protection, then the Empire of the world; In like manner Right Honourable, may we say of you the Senate of England, while you were in your pristine glory and original legal institution, what rare and worthy Acts were done by you, how many Armies did you subdue, how many Fields did you win, how much were you upheld by that omnipotent hand (maugre all opposition) untill that fatall year 48, since which time what wofull turnings and overturnings has there been, what oppression and cruelty, what arbitrarinesse and tyranny, what building and pulling downe, and what not, &c.

Diruit ædificat mutat quadrata rotundis —

What sad and wofull wastings, destruction and ruine hath attended this Nation these many yeares, what divisions in the State, what factions and divisions in the Church, what a general decay and want of trade, how many Families have already perished, and more like to perish, unlesse *Your Honours* now prevent it by the help of that God that has brought *You* together again to the exercise of *Your* trust, and that by the same hand that dispers'd and scatter'd you, by the *Army* in 48 *You* were seclused, and by the
the

the Army in 59. You are restored, for which (we hope) we have just cause to say and to rejoyce that we have our Judges restored as at the first, and our Councellers as at the beginning.

Let it not seem strange therefore that we (the obscurest of Men) take the boldnesse to make our addresse to *Your Honours* in this hour of temptation that is now upon the Nation, which hath been so long in travaile, and now (we hope) ready to be delivered of that much expected Manchild of Reformation, in which *Your Honours* are so eminently coancern'd, and to which all the good people of this Land doe and will contribute their best assistance to so happy a birth.

We hope *Your Honours* will pardon us when you shall consider that those to whom God in his inscrutable providence hath devolved the Soveraigne power of ruling Nations and Commonweales, to them the oppressed therein doe and must appeale, and from them hope and waite for deliverance, which if true (as 'tis no Mans question) our Apologie is at hand, 'tis to your Honours the Supream Authority of this Realme, that all our happinesse and safety is committed, to whom should we then under God direct our selves, and from whom shall we crave Redemprion from this our withering durance, under the hand of our Oppressors, but from *You* our temporary Saviours and Deliverers.

We shall not need to put *Your Honours* in minde of that Act for the release of Prisoners, begun by

the late Members of Parliament, at which our hearts did begin to sing to see that appearance of God amongst them while we hoped for a Resurrection from the dead, and like so many *Nazarenes* to be called out of our metaphorical Graves, but behold we found that of the Psalmist verified, *Psalm 62. 9. Men of low degree are vanity, and Men of high degree are a lie*, the providence of the most high not then permitting the consummating of so divine an Act, but rather to exercise our dependency upon his adorable wisdom, till the appointed time for your restitution, and our deliverance.

Upon which account we are prisoners of hope, and that hope makes us not ashamed, but boldly to prostrate our selves at your feet beseeching you to plead the cause of the poore, the distressed, the prisoner, and him that hath none to help him, certaine we are that as this will make you most like your Maker, so it will render you most amiable and lovely in the eyes and hearts of all good men, this is that which is beyond all burnt Offerings, Sacrifices, and the fat of Rams, with ten thousand rivers of oyle, (viz.) to doe Judgment, and to love mercy, this is Gods great and grand designe in the world, the malignant world, to conquer it by love, to melle it into his owne Image by the bowells of his tender compassion, the very Heavhen acknowledge this, and a most worthy saying it was of Plato, (as Divines observe) *that to doe good unto many, or unto as many as we can, is to become like unto God*, and those Rulers which

which encline to mildnesse and lenity, lessen and qualify the rigour of Justice with judgment and discretion, clemency moderateth and sweetly manageth all things, delivereth those that are faulty, releiveth those that are fallen, saveth those that are like to be lost, it is necessary by reason of our humane infirmity, the frequency of offences, and the facility to offend, for an overgreat and continuall rigour and severity ruines all, and maketh even chastisements contemptible, *severitas amittit assiduitate auctoritatem*, it stirreth malice and rancour, moveth rebellions, and men by despight are made wicked, for feare that keepeth men in their duty must be sweet and temperate, if it be too sharp and continuall it is changed into rage and revenge, whereas clemency winnes the love and good will of the people, and consequently confirmeth and assureth the state, *firmissimum id imperium quod obedi- entes gaudent* said Livy, and Salust discours'd to Caesar, those states that are govern'd with feare are never durable, *no man can be fear'd by many, but he must likewise feare many, and that feare which he would put upon all, falleth upon his owne head*, and therefore the wise man counsellis: Be not just Over-

Charron of
wisd. Lib.3.

Senec.

Livy.

Eccles.7.16.

We are here Right Honourable in this our captivity at the mercy of our mercilesse Creditors, buried alive, most of us scarce bread to eate or rayment to put on, exposed to the loathsome and stinking smells of a Prison, at the arbitrement of

Goalers,

Goalers, Subgoalers, Turnkeys, &c. with such like Egyptian vermine, made to study the generation of Nits and Lice, our families ready to perish for want of our conjugall, and parentall happinesse and provision, our friends and acquaintance forsaking us, and hiding their heads, our enemies rejoycing, no man hardly regarding the misery of our affliction, and all this we must endure because we doe not doe that, which (our present condition considered) is impossible.

It is contrary to the lawes of God, and to the ancient fundamentall Lawes of this Realme, that mens bodies should be imprison'd for debt, among the Judiciall Lawes of *Moses* we find nothing that doth in the least countenance this practise, for all manner of trespasses betweene man and man, satisfaction was to be made according to the quality of the offence.

Divines observe that this satisfaction was threefold.

1. *Secundum idem*, in identity when the very same thing was restored.
2. *Secundum equale*, when there was so much for so much in quantity restored.
3. *Secundum possibile*, when satisfaction was made according to what a man had, so *Sen. Austin*, *non remittetur peccatum nisi restituatur oblatum*, Then there was *Talis* an eye for an eye, a tooth for a tooth, burning for burning, stripe for stripe, wound for wound, no imprisonment.

And

And although the poore were never to cease out of the Land of Israel, Deut. 15. 11. Yet God took care by a positive Law that they should be liberally and plentifully provided for, verse 7. 8. *If there be among you a poore man of one of thy brethren within any of thy Gates in the Land which thy Lord thy God giveth thee, thou shalt not bearden thy heart, nor shut thy hand from thy poore brother, but thou shalt open thine hand unto him, and thou shalt surely lend him sufficient for his need in that which he wanteth;* now by this law it appeares that all mens necessities were to be supplied, and no man was liable by reason of indigency or want, to be thrown into a Goale (an unknown way of punishment among them) and if these Jews did not furnish their brethren in this their necessity, yet the Creditor was not to exact of his neighbour what he had lent, because it is called the Lords release, verse 2. *of a stranger thou mayst exact it, but that which is thine with thy brother thine hand shall release,* save when there shall be no poore among you, verse 3. 4. Aben Ezra one of the Jewish Doctors upon the words, *save when there shall be no poore among you,* thus interprets, that is (sayes he) know that that which I have commanded thee that thou shouldst not exact of thy brother will be needlesse, if all Israel or the greater part obey the voice of God, then there shall be no poore among you to whom it shall be needfull for thee to lend, yea all of you shall be able to lend to many Nations, the care of the Lord was very great towards these people that no cruelty nor rigour should be exercised towards one another, yee shall not rule one over another with rigour, Lev. 25. 46.

Godw. Jew.
Antiq.

Godw. Jewish
Antiq.

Some think that the command of the, 15. *Deut.* 2. That the Creditor should not exact what he had lent, was rather *mandatum probationis*, then *mandatum obedientia*, and that it was given to them as the command given to Abraham for the sacrificing of his Son to try them in their obedience, but this cannot be the meaning (we humbly conceive) in as much as God himselfe was very strict in it, and is therefore called *the Lords release*: but however, the principall thing intended by this Law was to secure them from imprisonment, from being buryed alive, from being secluded from all friends, comforts, wayes and means to give their Creditors satisfaction, if they were poore, they were to be releived, if they were not releived, the Creditor was not to exact his debt but to give his release, *it is the Lords release, ver. 2.*

Hexap. in
Levit. 25.
cap. quest. 28.

Learned Doctor *Willet* observes that the condition of the *Hebrews*, and the priviledges they enjoyed during their six yeares service, if compared to our condition of imprisonment were as different as liberty is to bondage;

He that was sould for Debt amongst them,

1 Must not be put to vile work, or hard service, as a Bondservant,

2 He might labour for himselfe,

3 He was not bound to any time,

4 Not to serve longer then the year of Jubilee,

5 When he went out of service he was to be furnished liberally out of the Flock, and out of the floore, and out of the winapresse, and the reason of all this is render'd, *Thou shalt not oppresse one another, but thou shalt feare the Lord;* and thou shalt remember that thou wert a

Bondman

*Bandman in the Land of Egypt, Lev. 25. 17, &c.,
Deut. 15. 15.*

But now Christians like the Canibals, or the *Hab. I. 13,*
Fishes in the Sea, eat and devour one another, or ^{14.}
as the Beasts, *homo homini Lupus*, by exposing them
to the greatest servitude, and the vilest of externall
bondage, where they can neither labour for them-
selves nor theirs, (in any way considerable) nor have
they hope of any redemption out of this grave of a
Prison, till their Soules shall take leave of their bo-
dies, or the Devill be cast out of their Creditors
hearts by one more stronger then he, *terras Aethi-
relisquit*, O yee Heavens drop down righteousnesse,
for in Earth there is not so much Justice as in Hell,
*Non quantum ad habitum virtutis sed quantum ad
executionem.*

Moreover after a Man was sold, he was to be re-
deemed, some think as Doctor *Willet* observes that
this was *permissive*, because 'tis said in the 48 verse,
he may be redeemed, but he proves it to be *precep-
tive*, which *Pagn:* and *Juni:* renders from the original
redimet eum, he shall redeem him; and further that
the Hebrew Cannon sayes that the *Synedrion* were
to compell his Kindred to redeem him, if neither
his Kindred, nor his own hand could, then every Man
in *Israel* was to do it.

Amongst Christians this servile condition was
mitigated, and *Justinian* by a constitution prohibi-
ted any free Person to be sold for Debt, and indeed
by the civill Law no Man was to be imprison'd, it
being held for a great servitude, *Not to goe out of the
place where a Man was.*

And if the *Jews* (an inhumane people) were by Law to doe such Offices of love and humanity, surely Christians whose Character is known by this, *If you love one another*, should rather exceed then come short of them.

Paul. Diacon de reb. Rom. sub Maurt. Lib. 7. It is reported of the Emperor *Mauritius* who for covetousnesse of money refused to redeem the Christians out of Prison; which he might have done for twelve pence a peice, he refusing, the Christians perished, after this *Phocas* in a sedition being chosen Emperor, sent for *Mauritius*, and before his face caused his Wife and five Children to be destroyed, him selfe all the while crying out *Iustus es domine et regnum judicium tuum.*

In the new testament our blessed Saviour interprets these Jewish Laws in that most excellent Sermon of his upon the Mount, *Mat. 5.* Where he reduces the sense and meaning of them all into that princely saying, *all things whatsoever yee would that men should doe unto you, doe yee even so to them, for this is the Law and the Prophets, Mat. 7. 12.* Behold here Right Honourable the words of him who is truth it selfe, that blessed interpreter, who declares unto man his righteousness, who speaks as never man speaks, as one that had authority, and not as the Scribes, who put their spurious and corrupt glosses upon the righteous and eternal law of God, and gave such expositions which were Diametrically opposite, and absolutely inconsistent with his sacred and heavenly doctrine, these Pharisees while they brag'd and boasted (as many now doe) that they had Abraham to their father, and that they were the Saints, alleaging

alleging the Scriptures of Moses and the Prophets
yet the very men in the midst of their blind zeale
and Religious flourishes, *killed the Prophets, and
crucified the Lord of glory.*

If your honours please to consult one parable
in the 18th. Mat. From the 21. to the 35. verse.
you will find what a sad doome Christ pronounces
upon all those who are so cruell as to throw the bo-
dies of their fellow servants into prison for debt:
we humbly conceive that this parable is so cleetly
explicated by Christ that there is no evading the
lustre and splendor of it, but that all such hard
hearted wretches who expose their poore brethren
to starving and destruction shall be sure to find the
same measure at the hand of God, with which also
our Saviour windes up the parable, *so likewise shall
my heavenly father doe also unto you, if yee from your
hearts forgive not every one his brother their trespasses,*
verse 35.

And as this cruell spirit is repugnant to the Laws
of God; so is it also contrary to the ancient funda-
mental laws of this Nation, to *Magna Charta* which
is a perpetuall Law confirmed by many Kings and
Parliaments, and the free-born people of England,
the preservation of which hath been the ground
of that grand contest in the late war which hath
cost this Nation so much blood and treasure as hath
almost brought it to the brinke of ruine and de-
struction, no freeman by this Law may be taken or
imprisoned for debt, *Stat. 3. Edw. 1. ch. 15. 5. 9.*
and the 25. Edw. ch. 4. *The Creditor was to take
satisfaction of the debtors, lands or goods, but his bo-*

dy was free, and by the 9th. of Hen. 3. cap. 29. the body of a freeman might not be imprison'd, and all statutes that shall be contrary to *Magna Charta* are void by the Statute 42. Edw. 3. Cap. 1. But in after times as corruption, tyranny and ambition crept into the world, then this Virgin Law of *Magna Charta* was ravished by the Lusts of men: pity it is Right Honourable that *Magna Charta* should be thus abus'd, that has been thirty times confirm'd and commanded to be put in Execution, was bought with the blood of our Nobility and English Ancestors in those troublesome times of King John and Henry his Son, and therefore called the quintessence of the whole bulk of the Politicks of our Nation, the Charrer of the peoples right, the hedge of their property, the strength of their security.

Judge Dod-
ridge Cook on
Lit. lib. 2.
cap. 4.

Magna fuit quondam magna reverentia chartae.

And yet how directly contrary have our statutes of latter times beene to *Magna Charta* and the ancient common Law of England, and that without any reason expressed in any of the said statutes, and very strange it is that those latter statute Lawes should exceede the wisdom of the Law of God, and of the Gospell, and of our owne Mother Lawes of England, to disannull the full meaning of them, especially in one of the greatest freedoms that a man can enjoy in this life; so true is that prediction of *Saint Pauls*, 2 Tim. 3. 1, 3. that we are fallen into the last and perillous times wherein men should be so much lovers of themselves, that they should lose even naturall affection, and if *ultimum tempus* was
fiftene

fifteene hundred yeares since, sure now it must be
ultimum temporis; and Satan roares and rants with a
 certaine kind of spirituall, transcendent and angeli-
 call wickednesse, endavouring under the forme, e-
 ven the purest forme of externall godlinesse, to
 obliterate and deny the power thereof, and to act
 all manner of cruelty, rigour and severity, upon
 pretence of justice, righteousness and equity,
 putting the finest dresse upon the conffest pro-
 ceedings, and the fairest faces upon the foulest ac-
 tions, *corruptio optimi pessima*; abusing the glory
 of the invisible God, and turning it into the similitude
 of a corruptible man, who changing the truth of God
 into a lye, and worshipping the creature more then the
 Creator, are justly given over to vile and unnatural
 affections, and to pursue them greedily even to the
 destruction and ruine of their brethren, and rather
 then they will loose their Mammon, the poore
 Debtors must loose their lives (having nothing else
 to pay) that they may have their bones, this hath
 been the language of some professors (who are
 worth thousands) in this age towards their priso-
 ners; O what is become of the old ancient huma-
 nity, curesy, kindnesse, forbearance, love, gentle-
 nesse, patience, forgiving one another, which the
 Apostle exhorts to. Surely many shall come from
 the East and west, and shall sit downe with Abraham
 and Isaac and Jacob in the kingdome of heaven, but
 the children of the kingdome shall be cast out, good
 honest Heathens farre exceed many Christians, and
 rather then they would see their poore brethren be
 destroyed by the covetous Wolves of the times,
 would pay their debts for them.

¹ Rom. 23.

25, 26.

Rom. 12. 8.

9, 10.

Eph. 4. 2.

Mat. 8. 12.

The

Godw. Antiq.

Rom. Lib. 3.

The Romans had their *Triumviri*, who had Authority to pay out of the Common Treasury poore mens debts, sometimes there were five appointed to this office, whences they were also called *quinquaviri Mensarii*, from *Mensa* a table, where they told their money, the commonalty finding themselves oppressed by the wealthier sort, departed unto the Mount *Alventium*, forsaking the Citty, and never againe to adventure themselves in the wailes, for the defence thereof, unless they did find some release and easement from those excessive payments of use and interest unto their Creditors, yea besides the remission of their present debts before they would returne to their Citty againe, they would have certain Magistrates which should be *sacrosancti*, that is such as might not be hurt or violently used, nor so much as in word, and if any had violated that law whereby they were made *Sacrosancti*, then was he accounted *homocider*, an excommunicate person, to these Magistrates was the protection of the Commons committed, they had power to hinder any proceedings in the Senate which they thought might prove prejudiciall unto the Commons, and in old time these Protectors of the Commons were not permitted to come into the Senate, but they sat without at the doore whither whatsoever was determined within the Senate was sent unto them to be perused, and if they did approve it, then they subscribed a great Roman T. being the first letter of their names called *Tribunes*.

The Greeks had so much good will and affection

for their shame, that the Athenians to avoid the dishonour of their City and the prevention of disgraces, every society kept a poore mans box or a common treasury for releife of such as came to poverty, and the ransome of the Captives, into this box once every month they used, *conferre erarium* (as Plautus says *erarium amici contulerunt*) to put every mans contribution.

*Rom. Ar-
t. chæolog. A-
lice. lib. 6.
de pauperi-
bus suble-
vandis.*

To come nearer home, and to our owne times, in Italy they have their Courts there, which may with us be called *miserecordia*, that when any person is committed for debt, the Creditor and Debtor are both sent for; and if upon hearing the debtor is found to be unable to make satisfaction to his Creditor, he is immediately discharged from his imprisonment.

In Spaine their proceedings in the Law is the same with us in England, but with this wide difference after Judgment an Execution, the Governour of the place where such a prisoner is under restraint, goes constantly every Saturday at night to visit the prison; those prisoners that are found insolent, are immediately discharged, it being by them accounted a shame, and a great sin against Religion to keep any man in prison that is not able to pay.

In Holland if any man be arrested for debt, he hath liberty to stay nine dayes where he pleases before he be committed to prison, and all this time at the charge of his Creditor, provided it exceed not five pounds, if he be committed, the Creditor allows him maintenance, during his imprisonment according to the quality and condition he lived in

before his commitment, if he be found insolvent, he is discharged from his imprisonment.

By which it is apparent that the Lawes of God and good men doe arraigne and condemne this horrid wickednesse and impiety; but by the Lawes of the God of this World and his instruments this cruell practise is pleaded for and established, and that by a people that have received as many merces from heaven as ever Israel of old did, by a people that have approached (often enough) to God with their lipps, when (we feare) their hearts have bene farre from him, by a people that have made such a noise with Religion, Christ, his Kingdome, his Saints, &c. & yet are so far (hitherto) from the power and beauty of it, as those that have studied for the Philosphers stone, and not onely lost their labour, but begg'd themselves and turn'd bankrupts, whose religion has been a way onely to get money and preferment, whose God is their belly, whose glory is their shame, who mind earthly things, nor caring how or of whome they got it, whether of the Egyptians, or the Israelites, witnesseth that unparallel'd and unheard of cheat of buying and selling Diabloten, whereby most of them have acquir'd great estates, eat the bread, and weare the garments of their poore brethren, but they shall proceed no further, for their folly shall be manifest to all men, 1 Tim 3. 9. In a word, a people that have forfeited all their mercies and perverted them into curses, by their formality, hypocrisy, selfe seeking, and pride, verelying that of the Prophet Malachy 2. and 2. *I will curse your blessings, yea I have cursed them already.*

And

And here he pleased (worthy Patriots) to give us
leave no trouble you with one short story.

A reverend Divine preaching at Pauls before the
late Lord Major in his Sermon took an occasion to
possesse that great Auditory with the sad conditon
of the poor prisoners at Ludgate, many of which
(saith he) were freemen of this famous City, had
formerly lived in a plentiful condition, and now by
the calamity and extremity of the times were con-
strained some of them to cry at the grate (*for bread,*
bread for the Lords sake, &c. for Christs sake
bread) this he thought to be very much dishonour-
able to the City and the Nation, that many poor
men made in the Image of God with themselves
and flesh and blood with them, should be necessitat-
ed to make such moan, and cry out for reliefe of
people as they went along the streets, when as o-
thers that were guilty of capitall Crimes went un-
punished, &c. with much to this purpose.

Not long after upon some consultation how this
great reproach might be removed, an order came
from the Lord Major directing what words the pri-
soners were to use at the grate (viz.) *Remember the* Ireton.
poore prisoners, forbidding them to use those dolo-
rous and piteous and compassionate expressions which
might most prevail and work upon the passengers
to grant them their charity, and best suite with the
sad and almost starved condition of those who
should crave it of them, and this was all the reliefe,
which that reasonable providence produced. *what* Mat. 7. 10.
man amongst you, (saith Christ) *whose* EL.
him bread will give him a stone, or when he asks a fish
C 2 milk

